

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JAMES M. FANARO : CIVIL ACTION
v. :
UNUM LIFE INSURANCE COMPANY :
OF AMERICA : NO. 02-2772

O R D E R

AND NOW, this day of December, 2002, upon consideration of plaintiff's Motion to Amend the Complaint to add an insurance bad faith claim (Doc. #9), as a bad faith claim under the Pennsylvania statute, 42 Pa. C.S. § 8371, is preempted by ERISA, see Bell v. UnumProvident Corp., 222 F. Supp. 2d 692, 696-97 (E.D. Pa. 2002); Kirkhuff v. Lincoln Technical Inst., Inc., 221 F. Supp. 2d 572, 574-75 (E.D. Pa. 2002); 2002 WL 31015204 at *3-4 (E.D. Pa. Sept. 6, 2002); Sprecher v. Aetna U.S. Healthcare, Inc., 2002 WL 1917711, *7 (E.D. Pa Aug. 19, 2002); Norris v. Continental Casualty Co., 2000 WL 877040, *1 (E.D. Pa. June 28, 2000); and, as the proposed amendment would thus be futile, **IT IS HEREBY ORDERED** that said Motion is **DENIED**.

BY THE COURT:

JAY C. WALDMAN, J.